

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:	:	21-CV-6296 (JMF)
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IBM ARBITRATION AGREEMENT LITIGATION	:	<u>ORDER</u>
	:	
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GREGORY ABELAR,	:	
	:	
Plaintiff,	:	
	:	
-v-	:	21-CV-6307 (JMF)
	:	
INTERNATIONAL BUSINESS MACHINES CORP.,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
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JESSE M. FURMAN, United States District Judge:

The Court held a conference earlier today to discuss, *inter alia*, how to proceed in case number 21-CV-6307, which was recently reassigned to the undersigned. In light of the parties' agreement, and the fact that the above-captioned actions involve common questions of law and fact, it is hereby ORDERED that pursuant to Rule 42(a)(2) of the Federal Rules of Civil Procedure, case number 21-CV-6307 is consolidated under case number 21-CV-6296. As noted in the Court's previous Order regarding consolidation, *see* No. 21-CV-6296, ECF No. 20, notwithstanding such consolidation, the consolidated cases will "retain their separate identities." *Hall v. Hall*, 138 S. Ct. 1118, 1128-31 (2018).

It is further ORDERED that the parties shall, no later than **December 1, 2021**, confer and, if the parties agree, submit a joint letter and proposed order regarding how to address the pending motion to dismiss and motion for summary judgment in 21-CV-6307 going forward. If

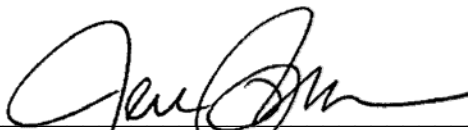
the parties do not agree, they shall submit separate letters, not to exceed three pages, explaining their respective positions and separate proposed orders. In addition to filing their proposed order(s) via ECF, the parties shall also submit an electronic copy, in Microsoft Word format, to Chambers at [Furman\\_NYSDChambers@nysd.uscourts.gov](mailto:Furman_NYSDChambers@nysd.uscourts.gov).

It is further ORDERED that the parties shall, no later than **December 8, 2021**, confer and, if the parties agree, submit a joint letter and proposed order regarding how to address Plaintiffs' possible amended pleadings in the cases consolidated under case number 21-CV-6296. As noted above, any proposed order shall, in addition to being filed via ECF, be submitted, in Microsoft Word format, to Chambers at [Furman\\_NYSDChambers@nysd.uscourts.gov](mailto:Furman_NYSDChambers@nysd.uscourts.gov). If the parties do not agree, they shall file a joint letter, not to exceed three pages, indicating their respective positions and requesting a conference with the Court.

The Clerk of Court is directed to consolidate case number 21-CV-6307 under case number 21-CV-6296 and to close case number 21-CV-6307.

SO ORDERED.

Dated: November 24, 2021  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge